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EXAMINER	
DAZENSKI, MARC A	

ART UNIT	PAPER NUMBER
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/538,156	GUILLEN ET AL.	
	Examiner	Art Unit	
	MARC DAZENSKI	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 October 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7-17-09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 17 is objected to because of the following informalities: the claim depends on "the digital audio player of claim 1," yet claim 1 is a method claim. Claim 8 is drawn to “a digital audio player.” Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-6, 8-10, and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Looney et al (US PgPub 2005/0201254), hereinafter referred to as Looney.

Regarding **claim 1**, Looney discloses a media organizer and entertainment center. Further, Looney discloses a media organizer and entertainment center (50) that plays media and comprises a display with a screen (80), which reads on the claimed, “a method for displaying information using a digital audio player,” as disclosed at paragraphs [0078] – [0079] and exhibited in figures 2-3; comprising:

a user loading a play list, which reads on the claimed, “reading a playlist selected by a user,” as disclosed at paragraph [0106];

opening a play list so that it is in main music play list window (430), which reads on the claimed, “enabling a display of one or more entries included in said playlist on a display device associated with said digital audio player, each of said one or more entries corresponding to one of a single song and a plurality of songs," as disclosed at [0109] and [0152], as well as selections being added to a playlist window through highlighting and dragging, which reads on the claimed, "having a common visual indicator that indicates whether said entry is in one of a first category, a second category, and a third category,” as disclosed at [0179] and figures 60-61; and,

individual songs and playlists being in folders and able to burnt onto a CD, which reads on the claimed, "said entry is in said first category if said entry corresponds to said single song and said single song has been selected by the user for inclusion in said playlist; said entry is in said first category if said entry corresponds to said plurality of songs and all of said plurality of songs have been selected by the user for inclusion in said playlist; said entry is in said second category if said entry corresponds to said single song and said single song has not been selected by the user for inclusion in said

playlist; said entry is in said second category if said entry corresponds to said plurality of songs and none of said plurality of songs have been selected by the user for inclusion in said playlist; and said entry is in said third category if said entry corresponds to said plurality of songs and at least one, but not all, of said plurality of songs has been selected by the user for inclusion in said playlist," as disclosed at paragraphs [0186] – [0187] and figures 60-61 (wherein the first category corresponds to a highlighted or selected song/playlist, the second category corresponds to an unhighlighted or selected song/playlist, and the third category corresponds to a single song in a playlist that has been highlighted or selected).

Regarding **claim 2**, Looney discloses everything claimed as applied above (see claim 1). Further, Looney discloses selecting items by using a favorites box and checkmark, the items being displayed via selection of a favorite hits button, which reads on the claimed, "wherein each of said plurality of songs is represented in a preference table and includes a data setting indicating that either the song is liked or the song is disliked," as disclosed at paragraphs [0126] and [0185] as well as exhibited in figure 23.

Regarding **claim 3**, Looney discloses everything claimed as applied above (see claim 2). Further, Looney discloses editing a selected item and then utilizing update button (2322) to make changes to the database as well as clicking on favorites box (1317) so that this characteristic can be searched for, which reads on the claimed, "further comprising the step of updating the preference table each time the user indicates whether one of said plurality of songs is liked or disliked," as disclosed at

[0183] and [0185] (wherein the phrase “can be searched for” implies that the system is aware of the change made by clicking the favorites box (1317)).

Regarding **claim 5**, Looney discloses everything claimed as applied above (see claim 1). Further, Looney discloses songs corresponding to their artists, which reads on the claimed, “wherein if said one or more entries correspond to said plurality of songs, said one or more entries correspond to an artist,” as exhibited in figures 17, 23, and 61.

Regarding **claim 6**, Looney discloses everything claimed as applied above (see claim 1). Further, Looney discloses the system comprises software (1260) that searches for the album title for the selections on the inserted CD as well as the media/data source material may be imported by the user from individual albums, which reads on the claimed, "wherein if said one ore more entries correspond to said plurality of songs, said one or more entries correspond to an album," as disclosed at [0139] and [0160] as well as exhibited in figure 46.

Regarding **claim 8**, Looney discloses Looney discloses a media organizer and entertainment center. Further, Looney discloses an alternate center (1000), which reads on the claimed, "a digital audio player," as disclosed at paragraphs [0134] - [0135] as well as exhibited in figure 29; comprising:

hard drive storage (1190), which reads on the claimed, “a storage device,” as disclosed at [0136];

a keyboard and/or cursor-moving mouse interface (1134), which reads on the claimed, “a user input device for allowing a user to select a playlist for display,” as disclosed at [0135];

monitor screen (1140), which reads on the claimed, “a display device,” as disclosed at [0134] – [0135]; and,

CPU (1130) which is adapted to accept inputs from a variety of hardware components, which reads on the claimed, “a controller coupled to the storage device, the user input device, and the display device,” as disclosed at [0134] – [0135] and exhibited in figure 29;

further, the examiner maintains that the remaining limitations of the claim (i.e., everything from “the controller being operative to…” forward) are the corresponding apparatus to the method of claim 1, and therefore are rejected in view of the explanation set forth in claim 1 above.

Regarding **claim 9**, the limitations of the claim are rejected in view of the explanation set forth in claim 2 above.

Regarding **claim 10**, the limitations of the claim are rejected in view of the explanation set forth in claim 3 above.

Regarding **claim 12**, the limitations of the claim are rejected in view of the explanation set forth in claim 5 above.

Regarding **claim 13**, the limitations of the claim are rejected in view of the explanation set forth in claim 6 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Looney et al (US PgPub 2005/0201254), hereinafter referred to as Looney, in view of Nakane et al (US Patent 5,086,345), hereinafter referred to as Nakane.

Regarding **claim 4**, Looney discloses everything claimed as applied above (see claim 3). However, Looney fails to disclose further comprising the step of storing the updated preference table in a storage device of the digital audio player during a shutdown operation of the digital audio player. The examiner maintains it was well known in the art to include the missing limitations, as taught by Nakane.

In a similar field of endeavor, Nakane discloses a method of operation in a still video camera system for transferring track information from a playback device to the still video camera. Nakane further discloses when the power is turned off, the data of the track information table thus updated is transferred to the system controller such that the table of the controller is updated, which reads on the claimed, "further comprising the step of storing the updated preference table in a storage device of the digital audio player during a shutdown operation of the digital audio player," as disclosed at column 13, lines 41-45.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Looney to include the data of the track information table thus updated is transferred to the system controller such that the table of the controller is updated, as taught by Nakane, for the purpose of preventing

accidental erasure of user-specified data by saving it to the memory during a shutdown operation.

Regarding **claim 11**, the limitations of the claim are rejected in view of the explanation set forth in claim 4 above.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Looney et al (US PgPub 2005/0201254), hereinafter referred to as Looney, in view of Hartley (US PgPub 2002/0103796), hereinafter referred to as Hartley.

Regarding **claim 7**, Looney discloses everything claimed as applied above (see claim 1). However, Looney fails to disclose further comprising the step of generating a playlist sequence using parameter data indicating whether one of said plurality of songs is liked or disliked, in response to user selection of a shuffle playmode. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Hartley.

In a similar field of endeavor, Hartley discloses a method for parametrically sorting music files. Hartley further discloses providing a mixing factor by performing a calculation based upon a user-selected parameter and a random number (generated by a random number generator), performing this calculation for each file, which then sorts the files according to the sorting criteria, resulting in a playlist of files, and then the player performing a shuffle on only those files having a value for a particular user-defined parameter, which reads on the claimed, “further comprising the step of generating a playlist sequence using parameter data indicating whether one of said

plurality of songs is liked or disliked, in response to user selection of a shuffle playmode," as disclosed in paragraphs [0023], and [0030]-[0031].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Looney to include providing a mixing factor by performing a calculation based upon a user-selected parameter and a random number (generated by a random number generator), performing this calculation for each file, which then sorts the files according to the sorting criteria, resulting in a playlist of files, and then the player performing a shuffle on only those files having a value for a particular user-defined parameter, as taught by Hartley, for the purpose of allowing the user to eliminate from the shuffle mode certain files not meeting set criteria.

Regarding **claim 14**, the limitations of the claim are rejected in view of the explanation set forth in claim 7 above.

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Looney et al (US PgPub 2005/0201254), hereinafter referred to as Looney, in view of Conrad et al (US PgPub 2006/0212442), hereinafter referred to as Conrad.

Regarding **claim 15**, Looney discloses everything claimed as applied above (see claim 1). However, Looney fails to disclose wherein said first category, said second category and said third category are represented as different columns in said display and said visual indicator is placed in one of said columns for each said entry to indicate which of said categories said entry is in. The examiner maintains that it was well known to include the missing limitations, as taught by Conrad.

In a similar field of endeavor, Conrad discloses methods of presenting and providing content to a user. Further, Conrad discloses panel (700) which contains three panels, "Items you added," "Songs you liked," and "Songs you didn't like," arranged in columnar format with text identifiers specifying which panel the song is classified in, which reads on the claimed, "wherein said first category, said second category and said third category are represented as different columns in said display and said visual indicator is placed in one of said columns for each said entry to indicate which of said categories said entry is in," as exhibited in figure 7a.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Looney to include panel (700) which contains three panels, "Items you added," "Songs you liked," and "Songs you didn't like," arranged in columnar format with text identifiers specifying which panel the song is classified in, as taught by Conrad, for the purpose of allowing a user to more easily identify the properties of a selected song.

Regarding **claim 16**, the limitations of the claim are rejected in view of the explanation set forth in claim 15 above (where "Items you added," "Songs you liked," and "Songs you didn't like," read on the claimed, "first text label," "second text label," and "third text label").

Regarding **claims 17-18,** the limitations of the claims are rejected in view of the explanation set forth in claims 15 and 16, respectively, above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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